

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LOYALTY CONVERSION SYSTEMS
CORPORATION

v.

Case No. 2:13-CV-655-JRG

AMERICAN AIRLINES, INC., ET AL.

**NOTICE OF SUBMISSION OF COMPETING
DOCKET CONTROL ORDERS**

Plaintiff Loyalty Conversion Systems Corporation (“Plaintiff” or “Loyalty Conversion”) and Defendants American Airlines, Inc., Delta Air Lines Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., JetBlue Airways Corp., Southwest Airlines Co., Spirit Airlines, Inc., United Airlines, Inc., and US Airways, Inc. (collectively, “Defendants”) hereby submit competing Docket Control Orders, attached hereto as **Exhibit A** and **Exhibit B**, respectively. Furthermore, the parties state as follows:

PLAINTIFF’S POSITION:

Plaintiff proposes the following additional deadlines be incorporated into the Court’s standard Docket Control Order: (1) deadline to amend pleadings to add additional patents; (2) deadline to comply with P.R. 3-1 & 3-2 (Infringement Contentions) with respect to any additional patents, and (3) deadline to comply with P.R. 3-3 & 3-4 (Invalidity Contentions) with respect to any additional patents.

Since this lawsuit was filed on August 20, 2013, three patents related to the patents-in-suit have been issued, and Notices of Allowances have been issued for two additional patents expected to issue in February 2014. Plaintiff’s proposal (attached hereto as **Exhibit A**) reflects

its desire to proceed with Loyalty Conversion's existing claims efficiently, in a single lawsuit. No prejudice should result to any party as a result of the proposed schedule.

DEFENDANTS' POSITION:

Defendants propose that the Court's standard Docket Control Order is entered without modification (**attached hereto as Exhibit B**). The standard Order contemplates that good cause must be shown before any party can amend the pleadings to add additional patents. Requiring a party to show good cause before adding patents to a case is necessary, especially when a party seeks to nearly triple the number of asserted patents in the case. The addition of five (5) new patents to this suit would transform this case from a two (2) patent case to a seven (7) patent case. However, the key dates of the Docket Control Order were set by the Court based on the fact that this is a two (2) patent case. Allowing the addition of five (5) more patents after Defendants have gathered and reviewed documents for production and produced invalidity contentions is burdensome and prejudicial to Defendants and will impact the ability of the parties to effectively engage in discovery during the discovery period.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 17, 2014.

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